Civil Unions

From: **Robert Armintor**
Sent: Tue 5/22/12 10:40 AM
To: Gazette Letters to the editor (opinion@gazette.com)

Kudos to Deborah Greymoon, and Kelly V. Holms for their recent thoughtful letters to the editor. However, Rep. Amy Stephens disingenuous column "Clearing up the smokescreen surrounding the civil unions bill" in the same issue is, indeed, a "smokescreen" hiding her intolerance of glbt persons. She cloaked her "concerns" in "costs to the state." This is a strawman. If the civil rights of **all** were guaranteed by either the state or federal constitutions, or through legislation, then there would be no costs involved, as there would be no court challenges. What should be a civil rights issue is being dictate by bigots hiding behind religious prejudices, as they did so prior to integration. Had Rep. Stephens been a California legislator in 1948, no doubt she would have had a similar problem with the case of Perez v. Sharp in which the Supreme Court of California decided that Andrea D. Perez (Hispanic) and Sylvester S. Davis, Jr. (African American) had a fundamental right to marry. This case preceded the 1967 United States Supreme Court ruling of "Loving v. Virginia" which struck down restrictions on interracial marriage by almost 20 years.

So, will glbt persons have to wait 20-40-100 years before they are considered full citizens of the United States, and the state of Colorado? Let's hope not.

Bob Armintor

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Live and let live

I would like to express my opinion on three of the Community Forum letters on May 20.

• "Marriage as God intended:" Wow. These folks went to a rally supporting traditional marriage, which by its very nature is against anything other than what they believe in. She says that the people there, supporting gay marriage, were bullying and bigoted. They may have been rude and boisterous. That is not bigotry. Bigotry is your line that says "When I see the ways these gays and their supporters act, I don't understand why the editorial page editor is so adamant that government should approve of their lifestyle and give them special rights, or why our politicians cave and cater to them." It's an amazing world that you live in, that only people who think and act like you should have rights at all.

• "It is not the same thing:" Your response to why your marriage would be threatened by gay marriage was that it wouldn't. You go on to say that many others and yourself would be deeply "offended at the blatant equality assumed between the most sacred act of marriage and the counterfeit that a gay relationship has to offer." You are just too special. In other words, if people don't believe as you and others do, then they are just counterfeit and you in your wisdom you wonder why they won't stand with the righteous and do what's needed to conform to your standards.

• "Consequences of civil unions:" Only one thing to say. Your quote is priceless. "Schoolchildren will be taught that a domestic partner is the equal of a wife or husband." If a child has a loving parent, that parent needs to pass your litmus test to be qualified as a loving parent. Are you so hateful that your children would be taught to disdain a so-called domestic partner? Isn't it enough that you believe that they are all going to hell anyway? Or must you and yours lump them into whatever category paints all of them as inferior to you. I have news for you all. Civil unions are coming. Why? Because my bigoted friends, people deserve to live their lives as they see fit, not as you see fit. Don't you think that in the South in the 1960s that there weren't people who sounded just like you sound now?

In the land of the free nothing happens without major disagreement about who deserves rights. For me it's easy. I look after me and mine. I believe in live and let live and that until everyone is free, no one is.

By the way, I'm married to the same gal for 37 years, love my family and friends and generally just leave everybody alone to live their lives. What a concept.

Bill Schnick
Colorado Springs

Perez v. Sharp

From Wikipedia, the free encyclopedia

In 1948, in the case ***Perez v. Sharp***,[1] also known as *Perez v. Lippold* and *Perez v. Moroney*, the Supreme Court of California recognized that interracial bans on marriage violated the Fourteenth Amendment of the Federal Constitution.

The lead opinion for the four-to-three decision was authored by Associate Justice Roger J. Traynor who would later serve as the Court's Chief Justice. The dissent was written by Associate Justice John W. Shenk, the second longest-serving member in the Courts' history and an important judicial conservative of his day. The opinion was the first of any state to strike down an anti-miscegenation law.

Background

Andrea Perez (a Mexican American woman [white]) and Sylvester Davis (an African American man [black]) met while working in the defense industry in Los Angeles.[2] "Their romance blossomed beyond the watchful eyes of their families, particularly the Perez parents. The couple saw marriage as a natural outcome of the love they had come to feel for one another."[3]

Perez and Davis applied for a marriage license with the County Clerk of Los Angeles. On the application for a marriage license, Andrea Perez listed her race as white," and Sylvester Davis identified himself as Negro." Under the California law, individuals of Mexican ancestry generally were classified as white because of their Spanish heritage.

The County Clerk (named W.G. Sharp) refused to issue the license based on California Civil Code Section 60, which provided that All marriages of white persons with Negroes, Mongolians, members of the Malay race, or mulattoes are illegal and void," and also on Section 69, which stated that ". . . no license may be issued authorizing the marriage of a white person with a Negro, mulatto, Mongolian or member of the Malay race".[4] At the time, California's anti-miscegenation statute had banned interracial marriage since 1850, when it first enacted a statute prohibiting whites from marrying blacks or mulattoes.

Perez petitioned the California Supreme Court for an original Writ of Mandate to compel the issuance of the license. Perez and

Perez v. Sharp

Supreme Court of California

Decided October 1, 1948

Full case name:	*Andrea D. Perez and Sylvester S. Davis, Jr. v. A.W. Sharp, as County Clerk of the County of Los Angeles*
Citations:	32 Cal.2d 711, 198 P.2d 17
Prior history:	none (original proceeding for Writ of Mandate)

Holding

Marriage is a fundamental right in a free society; the state may not restrict this right with respect to restrictions based upon the race of the parties.

Court membership

Chief Justice

Phil S. Gibson

Associate Justices

John W. Shenk, Douglas L. Edmonds, Jesse W. Carter, Roger J. Traynor, B. Rey Schauer, Homer R. Spence

Case opinions

Plurality by: Traynor

Joined by: Gibson, Carter

Concurrence by: Edmonds

Concurrence/dissent by: Shenk

Joined by: Schauer, Spence

Laws applied

U.S. Const. Amend. XIV cl. 1, and Cal. Civ.

Perez v. Sharp

From Wikipedia, the free encyclopedia

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Background

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Loving v. Virginia

From Wikipedia, the free encyclopedia

Loving v. Virginia, 388 U.S. 1 (https://supreme.justia.com/us/388/1/case.html) (1967),[1] was a landmark civil rights case in which the United States Supreme Court, in a unanimous decision, declared Virginia's anti-miscegenation statute, the "Racial Integrity Act of 1924", unconstitutional, thereby overturning *Pace v. Alabama* (1883) and ending all race-based legal restrictions on marriage in the United States.

Background

The plaintiffs, Mildred Loving (*née* Mildred Delores Jeter, a woman of African and Rappahannock Native American descent, July 22, 1939 – May 2, 2008)[2][3][4] and Richard Perry Loving (a white man, October 29, 1933 – June 1975),[5] were residents of the Commonwealth of Virginia who had been married in June 1958 in the District of Columbia, having left Virginia to evade the Racial Integrity Act, a state law banning marriages between any white person and any non-white person. Upon their return to Caroline County, Virginia, they were charged with violation of the ban. They were found sleeping in their bed by a group of police officers who had invaded their home in the hopes of finding them in the act of sex (another crime). In their defense, Mrs. Loving had pointed to a marriage certificate on the wall in their bedroom; rather than defending them, it became the evidence the police needed for a criminal charge, because it proved they had been married in another state. Specifically, they were charged under Section 20-58 of the Virginia Code, which prohibited interracial couples from being married out of state and then returning to Virginia, and Section 20-59, which classified miscegenation as a felony, punishable by a prison sentence of between one and five years. On January 6, 1959, the Lovings pled guilty and were sentenced to one year in prison, with the sentence suspended for 25 years on condition that the

Loving v. Virginia

Supreme Court of the United States

Argued April 10, 1967
Decided June 12, 1967

Full case name	*Richard Perry Loving, Mildred Jeter Loving v. Virginia*
Citations	388 U.S. 1 (https://supreme.justia.com/us/388/1/case.html) (*more*) 87 S. Ct. 1817; 18 L. Ed. 2d 1010; 1967 U.S. LEXIS 1082
Prior history	Defendants convicted, Caroline County Circuit Court (January 6, 1959); motion to vacate judgment denied, Caroline County Circuit Court (January 22, 1959); affirmed in part, reversed and remanded, 147 S.E.2d 78 (Va. 1966)
Argument	Oral argument (http://www.oyez.org/cases/1960-1969/1966/1966_395/argument/)

Holding

The Court declared Virginia's anti-miscegenation statute, the "Racial Integrity Act of 1924", unconstitutional, thereby ending all race-based legal restriction on marriage in the United States.

Court membership

Chief Justice
Earl Warren

Associate Justices
Hugo Black William O. Douglas
Tom C. Clark John M. Harlan II
William J. Brennan, Jr. Potter Stewart
Byron White Abe Fortas

Case opinions

Majority	Warren, joined by *unanimous*
Concurrence	Stewart

Laws applied

Loving v. Virginia

From Wikipedia, the free encyclopedia

Background

John Hazlehurst's column

From: **Robert Armintor**
Sent: Fri 6/01/12 9:56 AM
To: Independent Letters to the editor (letters@csindy.com)

Kudos to John Hazelhurst for an excellent column on marriage equality in the May 30th edition of the Indy.

In the article, John mentions the Supreme Court case in 1967 of Loving v. Virginia that overturned the national ban on marriages between interracial couples. What most people do not know is that, in a similar case decided by the Supreme Court of California in 1948, the ban had already been overturned! In the case of Perez v. Sharp, the plantiffs, Andrea D. Perez (Hispanic) and Sylvester S. Davis, Jr. (African American) had sued when they could not legally marry because they were of different races. The Court ruled in a 4-3 decision that the plantiffs "had a fundamental right to marry." Remember, this was 1948!

My question to those who oppose marriage equality is this. Since the ban on racial intermarriage was eventually overturned, how long will glbtq persons have to wait before they are considered full citizens of the United States, and the state of Colorado? 20, 40, or 100 years?

Bob Armintor

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GAY-MARRIAGE BATTLE APPEARS HEADED FOR SUPREME COURT

GT 6/1/12

The Associated Press

BOSTON • A battle over a federal law that defines marriage as a union between a man and a woman appears headed for the Supreme Court after an appeals court ruled Thursday that denying benefits to married gay couples is unconstitutional.

In a unanimous decision, the three-judge panel of the 1st U.S. Circuit Court of Appeals in Boston said the 1996 law deprives gay couples of the rights and privileges granted to heterosexual couples.

The court didn't rule on the law's more politically combustible provision — that states without same-sex marriage cannot be forced to recognize gay unions performed in states where it's legal. It also wasn't asked to address whether gay couples have a constitutional right to marry.

BENEFITS ON HOLD

The 1st Circuit said its ruling would not be enforced until the Supreme Court decides the case, meaning that same-sex married couples will not be eligible to receive the economic benefits denied by the law until the high court rules. That's because the ruling only applies to states within the circuit – Massachusetts, Rhode Island, Maine and New Hampshire – and Puerto Rico. Only the Supreme Court has the final say in deciding whether a law passed by Congress is unconstitutional.

THE ASSOCIATED PRESS

The law was passed at a time when it appeared Hawaii would legalize gay marriage. Since then, many states have instituted their own bans on gay marriage, while eight states have approved the practice, led by Massachusetts in 2004.

The court, the first federal appeals panel to rule against the benefits section of the law, agreed with a lower court judge who in 2010 concluded that the law interferes with the right of a state to define marriage and denies married gay couples federal benefits given to heterosexual married couples, including the ability to file joint tax returns. The ruling came in two lawsuits, one filed by the Boston-based legal group Gay & Lesbian Advocates & Defenders, or GLAD, and the other by state Attorney General Martha Coakley.

Since Congress passed the law, eight states have approved gay marriage, including Massachusetts, Connecticut, New York, Iowa, New Hampshire, Vermont, Maryland, Washington state and the District of Columbia. Maryland and Washington's laws are not yet in effect and may be subject to referendums.

CitySage

By John Hazlehurst

Going down with the ship

"Though the mills of God grind slowly, yet they grind exceeding small..."

So wrote **Henry Wadsworth Longfellow** in a 19th-century poem, freely translating an ancient Greek proverb. That's as good an explanation as any for our city's long, anguished relationship with gay Americans — or, for that matter, gays regardless of race, creed, color, age or place of national origin.

Two decades ago, Colorado voters narrowly passed Amendment 2, which forbade Colorado governments and courts from taking any legislative, judicial or executive action that recognized gays or lesbians as a "protected class." The amendment was conceived right here in Colorado Springs by a then-influential organization called Colorado for Family Values. Local residents **Will Perkins** and **Kevin Tebedo** headed the group and spearheaded signature-gathering for the initiative.

Three years later, the Supreme Court threw it out by a 6-3 margin. Justice **Anthony Kennedy**'s majority opinion not only dismissed it as patently unconstitutional, but questioned the motives of its proponents.

Equality is coming. You know it and I know it.

"Its sheer breadth is so discontinuous with the reasons offered for it that the amendment seems inexplicable by anything but animus toward the class that it affects; it lacks a rational relationship to legitimate state interests," Kennedy wrote. "[Amendment 2] is at once too narrow and too broad. It identifies persons by a single trait and then denies them protection across the board. The resulting disqualification of a class of persons from the right to seek specific protection from the law is unprecedented in our jurisprudence."

In other words, all the blathering about the "radical homosexual agenda," and "special rights" was just thinly disguised prejudice.

Fast-forward 20 years, and here we are again. Following the refusal of Republican leaders to allow a bill permitting civil unions to reach the House floor, here's what House Majority Leader **Amy Stephens**, R-Monument, wrote in a *Gazette* op-ed piece: "As a wife, mother, citizen and legislator, I oppose this bill and any future attempt to undermine one-man, one-woman marriage in this state for several reasons ..."

Those reasons include "judicial chaos" and "the welfare of future generations, right of conscience and religious freedom in society." And, Stephens concluded, we know where this is all headed, don't we?

"Clearly," she wrote, "the political goal is same-sex marriage."

Well, Rep. Stephens, you're right. And if you and your fellow Republican elected officials would honestly examine the discredited and disgraceful views that you cling to, you'd support that very goal.

In January 1964, I impetuously married the most beautiful girl in Tahiti, an island justly renowned for the beauty of its inhabitants. We were just kids, 18 and 23. We were joined in marriage by the Mayor of Papeete, after which there was a fabulous party at the Hotel Tahiti. It was outrageously romantic — and illegal in many American states, where laws prohibited marriage between whites and members of races deemed inferior by racist lawmakers. Those laws were overturned a few years later when the Supreme Court, in *Loving v. Virginia*, unanimously overturned Virginia's statute.

The trial judge, sentencing **Richard** and **Mildred Loving** (the racially mixed couple who had violated the statute) to a year in prison, wrote:

"Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix."

Such sentiments now seem as vicious and absurd as **Adolf Hitler**'s racial theories, as despicable as slavery itself.

Whatever Stephens and the House leadership claim, the truth is simple: They blocked the bill because conservative Republican activists viscerally despise gays. Support equality, and your career in elected office is over.

But you're on the wrong side of history. Equality is coming. You know it and I know it. Remember the prophetic words of **Martin Luther King Jr.**: "No, no, we are not satisfied, and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream."

Think about it: Is remaining in petty political office worth living a lie?

— hazlehurst@csindy.com

Print Close

Today's Gazette

From: **Robert Armintor**
Sent: Wed 5/09/12 9:26 AM
To: Gazette Letters to the editor (opinion@gazette.com)

I must echo Mr. Horton's letter to the editor in today's Gazette when he asks how someone's civil union undermines his marriage. I, too, am having a hard time wrapping my mind around that question. So, maybe someone who opposes civil unions can give me an answer of just how someone else's marriage or civil union would adversely affect their marriage? Shouldn't political and religious conservatives be trying to eliminate **divorce**? Surely they recognize that divorce does indeed end a marriage, and thereby adversely affects a family. Isn't their goal to preserve the family? Kind of seems logical to eliminate divorce instead, doesn't it?

Bob Armintor

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GT 5/9/12

LETTERS

Answer's half a century old

Would someone please give me a clear explanation — avoiding vague generalities — of how a civil union could undermine my marriage of over half a century?

Clifford E. Horton
Colorado Springs

GT 6/12/12

Hollow arguments for marriage

Let's take an honest look at the real "tradition" of marriage before we let myth, ignorance and unfounded fear drive judgment toward same-sex marriage.

Biblical scholars assure us that references in the Bible to homosexuality were indicative of Roman/Jewish laws concerning male prostitution, not homosexuality as we know it today. In fact male homosexual marriage (sometimes called "spiritual brotherhoods") in the Christian church was a common ceremony until 1306 when it was outlawed by Emperor Andronicus II, not the clergy.

As for heterosexual marriage, even the first Christian "marriage licenses" were bills of sale, a tradition that ensured for thousands of years that wives were lawfully considered only property in heterosexual unions, frequently given less respect than the family cow. Infidelity and even polygamy were encouraged for men, (refer King Solomon with hundreds of wives and concubines) while punishments as severe as death were meted out to wives who "strayed" from their one-sided "vows."

As little as a century and a half ago, the only protective laws for a wife in our own country were those requiring that the stick a husband used to beat his wife was no larger than his wrist!

Romantic love, a partnership of equality, and choice of her mate by the bride is a recent phenomenon in the history of marriage, thanks only to the feminist movement of the late 19th and 20th centuries.

When half the marriages in our country end in divorce (considered a mortal sin only decades ago), with a 60 percent rate for subsequent marriages, the institution is already disgraced, and family connections in tatters.

Truth seems to leave the arguments for "sacred" and "tradition" hollow, doesn't it?

Donna Arnink
Colorado Springs